

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:11-cr-119-1F

UNITED STATES OF AMERICA            )  
  )  
                  v.                        )  
  )  
KEVIN AUSTIN KIRBY                    )

**FINAL ORDER OF FORFEITURE**

WHEREAS, on October 28, 2011, this Court entered an Amended Preliminary Order of Forfeiture pursuant to the provision of 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), based upon the defendant pleading guilty to 21 U.S.C. § 846 and 18 U.S.C. § 922(g)(1) and 924, and agreeing to the forfeiture of the property listed in the October 28, 2011 Amended Preliminary Order of Forfeiture, to wit: (1) \$3,502 in United States Currency seized at the time of arrest, and (2) a Smith and Wesson, .357 Magnum Revolver, serial number: ADD7971 and any accompanying ammunition;

AND WHEREAS, the United States published notice of this forfeiture at the [www.forfeiture.gov](http://www.forfeiture.gov) web site for at least 30 consecutive days, between November 18, 2011 and December 17, 2011, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions. Said published notice advised all third parties of their right to petition the court within sixty (60) days from the first day of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, it appears from the record that no claims, contested or otherwise, have been filed for the property described in this Court's October 28, 2011 Amended Preliminary Order of Forfeiture, other than those specifically mentioned herein;


It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That the property listed in the October 28, 2011 Amended Preliminary Order of Forfeiture is hereby forfeited to the United States. That the United States Department of Justice is directed to dispose of the property according to law.

2. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED this 3rd of day May, 2012.

  
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JAMES C. FOX  
SENIOR UNITED STATES DISTRICT JUDGE